

REMARKS

Claims 2, 5, 8, and 10-12 have been canceled. Amended claims 1, 3, 4, 6, 7, and 9 are in this application.

Applicant reserves his right to file one or more continuations directed to any one or ones of canceled claims 2, 5, 8, and 10-12. Further, the canceling of such claims is not to be interpreted as an admission that any or all of such claims is not patentable.

A Final Official Action issued on November 25, 2005. The following remarks are in response to such November 25 Official Action.

Claims 2, 5, 8, and 10-12 were rejected under 35 U.S.C. 112, second paragraph. As previously indicated, claims 2, 5, 8, and 10-12 have been canceled herein.

Claims 1, 2, 4, 5, 7, and 8 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,212,633 to Levy et al.

Amended independent claim 1 recites in part the following:

"a judging unit operable to judge: (i) **whether said received data is audio data**, and (ii) whether said encrypted data has been properly decoded; and

an output stop unit operable **to execute mute processing to prevent sound emission** when said judging unit determines if any one of the following two items exists: (i) said received data is not audio data, and (ii) said encrypted data has not been properly decoded." (Emphasis added.)

In explaining the above 102 with regard to claim 1,

and as best understood, the Examiner appears to assert that lines 3-25 and 35-43 of column 16, and lines 21-22 of column 20 of Levy disclose the judging unit and the output stop unit of claim 1. It is respectfully submitted that such portions of Levy relied upon by the Examiner (hereinafter, merely "Levy") do not disclose the above identified features of claim 1. Accordingly, it is respectfully submitted that claim 1 is distinguishable from Levy.

For reasons similar to those previously described with regard to claim 1, it is also respectfully submitted that amended independent claims 4 and 7 are distinguishable from Levy.

As previously indicated, claims 2, 5, and 8 have been canceled.

Claims 3, 6, and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,212,633 to Levy et al. as applied to claims 1, 4, and 7 above and further in view of U.S. Patent No. 5,509,122 to Bartow et al.

Claims 3, 6, and 9 are dependent from one of independent claims 1, 4, and 7. Accordingly, it is also respectfully submitted that dependent claims 3, 6, and 9 are distinguishable from Levy for at least the reasons previously described. The Examiner does not appear to have relied upon Bartow et al. to overcome the above described deficiencies of Levy. Accordingly, it is respectfully submitted that claims 3, 6, and 9 are distinguishable from the applied combination of Levy and Bartow et al.

Claims 10-12 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,212,633 to Levy et al.

As previously indicated, claims 10-12 have been canceled.

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the rejections of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephones Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner may have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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